IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

And
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 20128 of 2004

Between:

M/s. Khanti Plastic Industries,

Plot No. 726, Subhash Nagar Pipeline Road, IDA Jeedimetla,
Hyderabad-500 055 represented by its Managing Partner, Mr. P.S.N. Raju

..... PETITIONER

AND

1 The Commercial Tax Officer, Jeedimetla Circle, Hyderabad
2 The Appellate Deputy Commissioner (Commercial Taxes)Hyderabad Rural

Division, Hyderabad
3 The Additional Commissioner (CT) (Legal) (FAC), Office of the

Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate Writ, or direction, more particularly one in the nature of writ of Mandmaus declaring the impugned order dated 11-9-2004 passed by the 3rd respondent in CCT's Ref.No. L.III(3)/1104/2004 for the assessment year 2000-01, as illegal and unjustified in the facts and circumstances of the case.

Counsel for the Petitioner: MR.B.SRINIVAS

Counsel for the Respondent Nos.1 to 3: GP FOR COMMERCIAL TAX

The Court, at the stage of admission, made the following:

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

Heard learned Counsel for the parties. With their consent, the Writ Petition is disposed of at this stage.

The controversy is that pending appeal, application for stay was dismissed by the competent authority. We have gone through the record and heard learned Counsel for the parties. We feel that the interest of justice would have been met, if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of six weeks. For six weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within six weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

(BILAL NAZKI, J)

3rd November, 2004.

(S.ANANDA REDDY, J)

Note:Issue wire at party’s cost

B/o

Pvks

To

1 The Commercial Tax Officer, Jeedimetla Circle, Hyderabad
2 The Appellate Deputy Commissioner (Commercial Taxes)Hyderabad Rural

Division, Hyderabad
3 The Additional Commissioner (CT) (Legal) (FAC), Office of the

Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad

4 Two C.Cs to the Government Pleader for Commercial Taxes, High Court

Buildings, Hyderabad (OUT)

5 Two C.D copies